

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

Sick, Inc., a Minnesota corporation,

Civil No. 08-6273 (DWF/FLN)

Plaintiff,

v.

**ORDER**

Regan Incorporated, a North Carolina  
corporation, and Daniel G. Regan,  
an individual,

Defendants.

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Jamie R. Pierce, Esq., Steven H. Sifton, Esq, Shushanie E. Kindseth, Esq., Hinshaw & Culbertson LLP, counsel for Plaintiff.

A. Cotten Wright, Esq., Grier Furr & Crisp, PA; and R. Christopher Sur, Esq., Maslon Edelman Borman & Brand, LLP, counsel for Defendants.

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Defendant Daniel Regan's motion to transfer venue came on for hearing before the Court on April 20, 2009. At the hearing, the Court raised the issue of staying this matter pending resolution of issues related to the bankruptcy estate of Regan Incorporated, currently pending in the Western District of North Carolina. Pursuant to the Defendants' motion and the parties' agreement to stay the matter at that time, the Court filed an Order on April 16, 2009, staying the matter for a period of 180 days unless the Bankruptcy Court in the Western District of North Carolina had reached a decision with respect to

whether it would be addressing one or more of the issues or claims at issue before the U.S. District Court in the District of Minnesota in the above-entitled matter.

The Court conducted a Status Conference on March 16, 2010, to review the status of the litigation in the Western District of North Carolina. It was represented to the Court by the parties that the matter remains pending and that the Bankruptcy Trustee, John W. Taylor, may be delineating the claims that will be pursued and whether any of those claims will address the issues before this Court in the above-entitled matter. With that in mind, the Court, notwithstanding the age of the above-entitled matter with respect to how long it has been pending, agreed to stay the matter for an additional 90 days before proceeding and to communicate with the Bankruptcy Trustee in the hopes of determining what claims, if any, will be pursued against Daniel G. Regan in the Western District of North Carolina that are the subject of the above-entitled matter in the District of Minnesota.

Based upon the presentations of the parties, the current status of the case, and the Court being otherwise duly advised in the premises, the Court hereby enters the following:

### **ORDER**

1. This matter is hereby **STAYED** for a period of 90 days or until 30 days after one of the following events occurs in the bankruptcy proceedings of Regan Incorporated, currently pending in the U.S. Bankruptcy Court for the Western District of North Carolina (the “Bankruptcy Court”):

- a. Entry of judgment by the Bankruptcy Court in any action brought by the Bankruptcy Trustee against Daniel G. Regan;
- b. Entry of an order by the Bankruptcy Court approving a settlement between the Bankruptcy Trustee and Daniel G. Regan;
- c. A filing by the Bankruptcy Trustee that gives notice of the trustee's intent to abandon any claims against Daniel G. Regan.

The lifting of the stay of this proceeding shall occur 30 days after the notice of one of the above occurrences is submitted by either party to the Court.

2. All pending motions before the Court are **STAYED** pending further order of the Court.

3. After the 90th day after the entry of this Order, the Court will set a Status Conference to review the matter which shall be conducted via a on-the-record telephone conference, unless otherwise ordered by the Court or requested by the parties.

Dated: March 17, 2010

s/Donovan W. Frank  
DONOVAN W. FRANK  
United States District Judge